

Planning and Zoning
336 W. Main St.
Grantsville, UT 84029
Phone: (435) 884-1674



Permit # 2025128
Staff Report Summary for
30-Foot Yard Setback Variance for 653 S Chan Drive

Parcel ID(s): 22-050-0-0402
Property Address: 653 S Chan Drive
Name: Weststar Homes
Request: Front yard setback variance
Prepared By: Community Development Staff

Meeting Date: September 3, 2026
Public Hearing:
Date: August 31, 2026
Current Zone: R-1-21
Acres: .50

Request

Variance request to reduce the required 30-foot yard setback for a proposed single-family dwelling.

Proposal

The applicant is requesting approval to construct a single-family dwelling with a 28-foot setback where a 30-foot setback is required, resulting in a reduction of 2 feet. The requested encroachment applies to approximately one-third of the length of the proposed dwelling.

Lot 402 is a corner lot. The proposed dwelling maintains the required setback along the majority of the applicable yard, with the submitted site plan showing approximately 28 feet at the closest portion and approximately 40 feet along another portion of the dwelling.

Zoning

The subject property is located within the **R-1-21 Residential District**.

Section 15.1 of the Grantsville Land Use Ordinance establishes a minimum lot size of 21,780 square feet and requires a 30-foot front and rear yard setback. Main buildings are required to

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The information provided is purely for the legislative body to interpret in their own right and context. It is crucial to maintain the integrity and context of the information shared, as it is meant to assist in the decision-making process without implying any endorsement or directive, but it is essential that it is understood within the appropriate scope.

maintain side-yard setbacks of 7.5 feet on one side and 15 feet on the opposite side. **On corner lots, two front yards and two side yards are required.**

Lot 402 contains approximately **21,784 square feet (0.50 acres)** and is a corner lot with frontage along both Chan Drive and Otto Court.

Lot Conditions

Lot 402 is a corner lot and is affected by a **61-foot storm drain easement along the north portion of the property**. According to the applicant, approximately 0.2 acre of the 0.5-acre lot is affected by the easement and is unavailable for residential construction. The applicant states that no other lots within the subdivision contain an easement of this size and that the easement accommodates drainage serving the larger development.

The combination of the property's corner-lot configuration, applicable yard requirements, and storm drain easement affects the area available for placement of the proposed dwelling. The submitted site plan shows the proposed structure approximately 28 feet from the applicable property line at its closest point, where 30 feet is required.

Applicant's Hardship Statement

The applicant states that the 61-foot storm drain easement substantially reduces the buildable area of the property and limits the ability to construct a home comparable in size and configuration to other homes within the subdivision.

The applicant is requesting a 2-foot reduction from the required 30-foot setback for approximately one-third of the length of the proposed home. The applicant states that the remaining portion of the home would maintain approximately a 40-foot setback.

The applicant further states that the storm drain easement benefits the larger subdivision while disproportionately affecting the buildable area of Lot 402. A complete copy of the applicant's hardship statement is included in the packet for the Board's review.

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Staff Analysis – Variance Criteria

Pursuant to Grantsville Land Use Ordinance Section 3.25, the Board of Adjustment may grant a variance only when the required variance criteria are satisfied. The City's Variance Request Worksheet identifies five required criteria.

Hardship

The applicant identifies the 61-foot storm drain easement and resulting reduction in buildable area as the hardship affecting the property. The applicant states that approximately 0.2 acre of the 0.5-acre lot is affected by the easement.

The Board must determine whether literal enforcement of the 30-foot setback would cause an unreasonable hardship that is associated with the property, arises from circumstances peculiar to the property, and is neither self-imposed nor economic.

Special Circumstances

The applicant identifies the size and location of the storm drain easement as a circumstance specific to Lot 402 and states that other lots within the subdivision are not affected by a comparable easement.

The Board must determine whether the easement constitutes a special circumstance that relates to the claimed hardship and deprives the property of privileges available to other properties within the same zoning district.

Property Rights

The applicant states that the variance would allow construction of a three-car rambler comparable in size and character to homes on other lots within the subdivision.

The Board must determine whether granting the variance is essential to the enjoyment of a substantial property right possessed by other property owners within the same zoning district.

Public Interest / General Plan

The applicant states that the requested 2-foot reduction applies to approximately one-third of the length of the home and would not substantially affect the General Plan or surrounding development. The applicant further notes that the remainder of the dwelling would maintain approximately a 40-foot setback.

The Board must determine whether granting the requested variance would substantially affect the General Plan or be contrary to the public interest.

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Spirit of the Ordinance and Substantial Justice

The applicant states that the average setback along the length of the proposed dwelling is approximately 34 feet and therefore maintains the overall intent of the setback requirement.

The Board must determine whether allowing the requested 2-foot encroachment would preserve the spirit of the Land Use Ordinance and result in substantial justice.

Board Considerations

Staff presents the application, site conditions, applicant's hardship statement, and applicable variance criteria for the Board's consideration. The Board of Adjustment must determine whether the evidence presented demonstrates that **all required variance criteria** under Section 3.25 have been satisfied.

The Board should specifically consider whether the **61-foot storm drain easement constitutes a circumstance peculiar to Lot 402**, whether the resulting limitation on the buildable area creates an unreasonable hardship that is not self-imposed or economic, and whether the requested 2-foot setback reduction is necessary to provide a substantial property right available to similarly situated properties.

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Phone: 435-884-1674
Web: Grantsvilleut.gov
ADD: 336 W Main Street

Variance Request Worksheet

Per [Grantsville Land Use Ordinance 3.25 \(Variance\)](#), the Appeal Authority may grant a variance only if the following five criteria are met.

- ☐ Hardship – Literal enforcement of the land use ordinance would cause a hardship that is not necessary to carry out the general purpose of the ordinance.
- ☐ Special Circumstances – There are special circumstances specific to this property that do not generally apply to other properties in the same zoning district.
- ☐ Property Rights – Granting the variance is essential to the enjoyment of a substantial property right that other property owners in the same district already possess.
- ☐ Public Interest / General Plan – The variance will not substantially affect the General Plan and will not be contrary to the public interest.
- ☐ Ordinance Spirit & Justice – The spirit of the land use ordinance is observed, and substantial justice is done.

Acknowledgement

I, the undersigned, acknowledge that I have read and understand [Grantsville Land Use Ordinance 3.25 \(Variance\)](#), [Sections 3–5](#), including the provisions regarding:

(3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this subsection, the board of adjustment may not find an unreasonable hardship unless:

- a) the alleged hardship is located on or associated with property for which the variance is sought; and
- b) the alleged hardship comes from circumstances peculiar to the property, not from conditions that are general in the neighborhood.

(4) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(5) In determining whether or not there are special circumstances attached to the property under Section 3.23(2)(b), the board of adjustment may find that special circumstances exist only if they:

- a) relate to the hardship complained of, and
- b) deprive the property of privileges granted to other properties in the same district.

I understand these requirements and agree to comply with the provisions of the ordinance.

Applicant Signature: _____

Date: _____

Please Note: Variance requests are rarely granted and carry no presumption of approval. Fees for a variance request are \$500 if reviewed by the Appeal Authority.

Our rationale for the variance to Lot 402 is as follows:

3.25 (2)

(a) – The general purpose of the 30' setback is aesthetic value for the subdivision. The hardship is fitting a comparable floor plan at a typical size to others in the subdivision within the 30' side yard setback given the presence of the 61' storm drain easement on the north side of Lot 402. The variance request is to encroach 2' on the 30' set back for 1/3 of the home length which will not tarnish the aesthetic value of the community nor grossly violate the general purpose of the land use ordinance.

(b) – Lot 402 possesses a 61' storm drain easement on the north side of the lot. No other lots in the subdivision possess such a consuming spatial deduct. The purpose of the easement is to accommodate drainage for the entire community. The community thereby benefits at the detriment of Lot 402. Approximately 0.2-ac of the 0.5-ac lot is unbuildable which affects the typical setback conformance on Lot 402.

(c) – A substantial property right is for the owner to construct a like home (3-car rambler with large square footage) to the other 25 homesites in the subdivision. Granting the variance will preserve that right while maintaining strong aesthetic value in the subdivision without a gross violation to the general purpose of the land use ordinance.

(d) – The request to encroach upon the side yard setback by 2' for 33% of the home length does not SUBSTANTIALLY affect the general plan. 2' is a marginal encroachment that will not be perceptible to the naked eye and would only be apparent through measurement. It is noteworthy that 66% of the length of the home would have a 40' side yard setback which is more than ample compensation for the requested encroachment. The variance request is in alignment with public interest because it ensures construction of a like home at a like size which ensures consistency in long-term property values within the subdivision.

(e) - The average side yard setback across the length of the house is $34' - ((28' + 40') / 2)$ which conforms with the intent of the land use ordinance.

CHAN DRIVE

653 SOUTH

629 EAST

637 EAST

LOT 402
21,784 sq.ft.
0.50 acres

OTTO COURT

10.0' PU&DE (TYP)

10.0' PU&DE (TYP)

7.5' PU&DE (TYP)

30.0000'
SIDE
SETBACK

30.0000'

53.9591'

37.7582'

70.2015'

70.0000'

57.0000'

70.1921'

43.2619'

28.0064'

28.0110'

40.0202'

**ANDERSON FARMS SUBDIVISION - PHASE 4
ARCHITECTURAL CONTROL COMMITTEE**

Date: August 24, 2026

RE: Architectural Plan Approval and Reduced Front Setback
Property Address: 653 South Chan Drive Grantsville, Utah 84029
Lot: 402, Anderson Farms Phase 4

To Whom It May Concern:

The Architectural Control Committee ("ACC") for Anderson Farms Subdivision Phase 4 has reviewed the architectural plans and site plan submitted for construction of the proposed residence on the above-referenced property.

Based upon our review, the ACC approves the submitted architectural plans and proposed building placement as being acceptable for construction within Anderson Farms Subdivision Phase 4.

The ACC acknowledges that Section 3.05 of the Declaration of Covenants, Conditions and Restrictions for Anderson Farms Subdivision Phase 4 ("CC&Rs") provides for a thirty-foot (30') front building setback. The ACC has reviewed the reduced front setback depicted on the submitted site plan and approves the proposed reduced front setback pursuant to the ACC's authority under the CC&Rs.

Accordingly, the ACC has no objection to the proposed residence being constructed at the reduced front setback shown on the submitted site plan, provided that the proposed building location and setback are approved by Grantsville City.

This approval is expressly subject to all applicable governmental requirements, permits, building codes, zoning requirements, and final approval by Grantsville City. Nothing contained in this letter is intended to waive or supersede any requirement imposed by Grantsville City or other governmental authority.

This letter is provided as written confirmation that the Anderson Farms Subdivision Phase 4 Architectural Control Committee approves the submitted architectural plans and the proposed reduced front setback for purposes of the Anderson Farms Phase 4 CC&Rs.

Should you have any questions regarding this approval, please contact the undersigned.

Sincerely,

ARCHITECTURAL CONTROL COMMITTEE
Anderson Farms Subdivision - Phase 4

ACC Member: Robert Olsen
Signature: Robert Olsen
Date: 8-24-2026

ACC Member: Kerry Rouse
Signature: Kerry Rouse
Date: 8/24/2026

15.1 Residential District R-1-21

(1) The purpose of the R-1-21 district is to promote environmentally sensitive and visually compatible development of lots not less than 21,780 square feet in size, suitable for rural locations. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character; to promote the safety, and well-being of present and future residents; and ensure the efficient expenditure of public funds.

Minimum Lot Size:21,780 sq. feet (1/2 acre)

Lots shall comply with Chapter 4: Supplementary and Qualifying Regulations – Section 4.5: Lots Standards and Street Frontage.

Minimum Frontage (at the property line on a public street or an approved private street)70 feet

Minimum Yard Setback Requirements:

Front Yard30 feet.

Rear Yard30 feet

Side Yard for Main Buildings 7.5 ft on one side and 15 ft on the opposite side.

Side Yard (Amended 4/98)4 feet*

Rear Yard for Accessory Buildings1 foot*

On corner lots, 2 front yards and 2 side yards are required

*Setback shall be as listed or match the easement width, whichever is greater

Maximum Building Height35 feet, or a basement and two (2) floors, whichever is less

Maximum Building Coverage20%

Required Improvements:

- Street grading
- Street base

Street Pavement to centerline or minimum paved width (per GLUDMC 21.6.3), whichever is greater

Surface drainage facilities, Curb, Gutter, Sidewalk, Culinary water facilities, Waste water disposal, Street name signs, Four hydrants, Street monuments, Shade trees (along public streets), and Street lights

HISTORY

Approved by Ord. [2001-13](#) on 10/3/2001

Amended by Ord. [2022-14](#) on 8/3/2022

Amended by Ord. [2025-05](#) on 1/30/2025

Amended by Ord. [2025-32](#) on 9/3/2025

3.25 Variances

- (1) Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Board of Adjustment for a variance from the terms of the land use ordinance.
- (2) The Board of Adjustment may grant a variance only if:
- (a) literal enforcement of the land use ordinance would cause a hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;
 - (b) there are special circumstances attached to the property that do not generally apply to other properties in the same district;
 - (c) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - (d) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (e) the spirit of the land use ordinance is observed and substantial justice done.
- (3) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this subsection, the board of adjustment may not find an unreasonable hardship unless:
- (a) the alleged hardship is located on or associated with property for which the variance is sought; and
 - (b) the alleged hardship comes from circumstances peculiar to the property, not from conditions that are general in the neighborhood.
- (4) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (5) In determining whether or not there are special circumstances attached to the property under Section 3.23(2)(b), the board of adjustment may find that special circumstances exist only if they:
- (a) relate to the hardship complained of, and
 - (b) deprive the property of privileges granted to other properties in the same district.
- (6) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (7) Variances shall run with the land.
- (8) The board of adjustment and any other body may not grant use variances.
- (9) In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:
- (a) mitigate any harmful effects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.